

issues which surround it, and local leadership must take the lead in designing the programs. In general, I think school choice works best when it is arrived at gradually, locally, and voluntarily—not by top-down mandates.

The verdict is still out on whether school choice programs already in place have been ultimately successful. For this reason, school choice needs to be a gradual experiment, and local leaders need to look long and hard at a variety of innovative strategies aimed at improving public schools.

What we do not want in the end is a school choice system that leads to further segregation by race or income, or a choice system that creates a few favored schools for the elite. To bridge the gap between the ideal of school choice and the reality of fundamental educational reform, we need to carry on with this timely experiment.

WHY BETTER CERTIFICATES OF MEDICAL NECESSITY ARE NEEDED TO HOLD DOWN MEDICARE FRAUD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. STARK. Mr. Speaker, on October 7, I introduced H.R. 2633, to require the Secretary of HHS to develop and require the use of standard forms by which physicians certify that a course of home health or hospice care is necessary and appropriate.

Today, doctors just sign for such services without a clear statement that the patient qualifies or is eligible for the course of treatment. Often a doctor is nagged into approving the course of treatment by the family or patient, and I know that many doctors would like to be able to explain to patients why they cannot casually certify an expensive Medicare benefit, but instead, various conditions of medical need must be met.

A clearer, consistent statement of CMN can help reduce fraud. For example, there is the complaint of the United States versus Joseph Ari Kirschenbaum, filed this October 14 in the U.S. District Court for the Northern District of Illinois (Eastern Division), No. 97 CR 702. In the grand jury's charges and in the complaint, Mr. Kirschenbaum is charged with defrauding Medicare of millions of dollars by providing—or not providing—hospice benefits to Medicare beneficiaries.

Following is one of the many charges from the grand jury. It is important to note that Doctor K and the other doctors mentioned in this charge are not—to my knowledge—being charged with the hospice owner. A reformed and strengthened CMN system, as provided in H.R. 2633, would help ensure that doctors would not casually sign such stacks of paper, and if they did, would be liable for false certification.

58. It was further part of the scheme that defendant KIRSCHENBAUM hired a Medical Director for Samaritan Care who, in exchange for a modest salary, was willing to sign every patient certification form that was presented to him without examining the patients or reviewing the patients' medical records. This Medical Director, referred to in this indictment as "Doctor K," had no involvement in the hospice other than signing his name to patient forms every two weeks

at the Samaritan Care office. Often the patients had been receiving hospice care for several days before Doctor K first learned of the patients when he received the certification forms to sign. Kirschenbaum never informed Dr. K of the extensive responsibilities of the Medical Director as set forth in the Policies and procedures, and Dr. K did not fulfill these responsibilities. Kirschenbaum later employed other Medical Directors at modest salaries who signed certification forms without seeing patients or reviewing their medical records.

TRIBUTE TO JOE PAULINO

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to one of Guam's educators, and a former colleague of mine, Jose "Joe" E. Paulino, who was called from this life on October 14, 1997.

Following his graduation from George Washington Senior High School in 1956, Joe attended the College of Guam before transferring to Fresno State College in California where he earned a bachelor of arts in physical education and a minor in recreation in 1961. After his graduation, Joe returned to Guam and began his teaching career at Inarajan Junior High School. He spent the next 3 years teaching at the former Tumon Junior-Senior High School, prior to commencing his affiliation with the College of Guam in 1964.

The following year, Joe was granted a year of paid educational leave by the college's then president, Antonio C. Yamashita, to pursue a master's degree in physical education at Indiana University. Upon receiving his degree in 1966, he returned to the College of Guam and was promoted to an assistant professor position. Joe continued his teaching career, achieving associated professor status at what would eventually become the University of Guam in 1977, and subsequently achieving tenure in 1982.

Later that year, Joe took leave from the university to become the director of the department of parks and recreation, but continued to teach one course per semester at the University of Guam through 1984.

In 1984, he returned to the University of Guam campus on a full time status accepting the position of advisor to then university president, Jose Q. Cruz, on the management and operation of the newly built University of Guam fieldhouse. President Cruz subsequently appointed him as the fieldhouse manager, a position he retained until his retirement in 1991.

During Joe's distinguished academic career, he served on a majority of the University of Guam's planning committees. He also held responsible administration positions, including chairman of the Division of Health, Physical Education, Recreation and Dance, and assistant to the president.

Joe also played a major role in the establishment of sports organizations, such as the Guam Sports Federation, the Guam Tennis Club, the Guam Table Tennis Association, the Guam Volleyball Association, the Far East AAU, the Guam Amateur Sports Association and the Guam Amateur Baseball League. He

was one of the driving forces behind Guam's involvement in the 1966, 1969, and 1975 South Pacific Games, the Chamorro Open Tennis Tournament as well as the activities for refugees as part of Operation New Life.

Throughout his teaching career, Joe Paulino consistently demonstrated the kind of care and commitment to students expected for all good teachers. Joe reached out not only to Guam students but also to hundreds of young men and women from our neighboring Micronesian islands. Whenever necessary, he took these visiting students under his wing during their stay on Guam. He also spent many summers teaching courses in Kosrae and Chuuk. Joe Paulino's distinguished service, his active involvement and his contributions to the University of Guam and to the people of Guam are well deserving of recognition and have in fact moved the Guam legislature to enroll him in Guam's "Guma Onra" or House of Honor.

My sincere condolences go out to his wife, Pauline, and his children and their spouses, Mark and Pauliana, Brian, Andre and Melissa Mendosa.

THE VIETNAM WAR: THE MISSING CHAPTER IN AMERICAN HISTORY BOOKS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 12, 1997

Mr. MANZULLO. Mr. Speaker, yesterday, my family and I had the opportunity to attend the commemoration of Veterans Day held at the Vietnam Memorial in Washington, DC. My children, ages 9, 11, and 13, don't know the meaning of the word "Vietnam," though several times we have talked to them about the Vietnam war.

Gen. Barry McCaffrey, Vietnam war veteran, and now head of our Office of National Drug Control Policy, gave a stirring speech about the ones who fought the war, reminding us that the price of freedom is very high. I also heard the incredible speech of Ann Cunningham, a nurse who served two tours of duty in Vietnam and who shared her experiences of the war.

Then I met a group of Vietnam veterans in the rotunda of our Capitol, and they advised me that in many school history textbooks the Vietnam war is relegated to a simple paragraph. The memory of the 58,000-plus men and women who perished in that war deserves more than cursory comment.

Therefore, I am requesting the speeches given by Gen. Barry McCaffrey and Ann Cunningham be included in the CONGRESSIONAL RECORD for today. I trust that they will be read by children and serve as a missing chapter in our history books.

REMARKS FOR VETERANS DAY, VIETNAM WAR MEMORIAL

(By Gen. Barry McCaffrey)

INTRODUCTION

Senator Hagel, Jan Scruggs, distinguished guests, ladies, gentlemen, fellow Veterans of the Vietnam War.

In particular the assembled soldiers of B Company, 2-7th Cav who I was privileged to serve with in Vietnam during 1968-1969—thank you for your courage and dedication in combat and the joy of our reunion during the past two days.